

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MATTHEW HOOVER,

Plaintiff,

v.

4 SEASONS MOTORS INC., *et al.*,

Defendants.

Case No. 2:21-cv-4177

JUDGE EDMUND A. SARGUS, JR.

Magistrate Judge Elizabeth Preston Deavers

ORDER

This matter is before the Court for consideration of a Report and Recommendation issued by the Magistrate Judge on September 15, 2022. (ECF No. 18.) The time for filing objections has passed, and no objections have been filed to the Report and Recommendation. Therefore, the Court **ADOPTS** the Report and Recommendation.

On July 21, 2022, the Court ordered that a default judgment be entered against Defendants Samer Pharra and 4 Seasons Motors, Inc. (collectively, “Defendants”) for their failure to respond to or otherwise defend against this suit. (ECF No. 16.) The judgment in favor of Plaintiff Matthew Hoover is on his claims of (1) unlawful tampering with an odometer under both federal and state law; (2) failure to provide an odometer statement as required under federal and state law; (3) false statements made regarding vehicle mileage, a violation of 49 U.S.C. § 32705(a)(2); (4) transferring of a vehicle with knowledge of odometer discrepancy in violation of Ohio Rev. Code § 4549.45(1); (5) common law fraud; and (6) common law breach of contract.

The Court held a hearing on September 14, 2022 to assess the amount of damages owed to Matthew Hoover. Noting Defendants’ absence, the Court proceeded to take Plaintiff’s testimony.

Plaintiff testified to his damages following the purchase of a van from Defendants, in which Defendants had “rolled back” the van’s odometer and subsequently refused to remedy the situation. Plaintiff also entered into evidence several exhibits supporting his claims.

The Court found the witness’s testimony to be credible and hereby awards the following damages to Plaintiff:

\$ 6,214.00 Sales Price (Exhibit 1 – Sales Contract)
\$ 4,776.66 Repair Costs (Exhibit 4 – Installment Loan Agreement)
\$10,990.66 Sub-Total Damages

\$10,990.66 x 3 (Trebling Under 49 U.S.C. § 32710(a) and Ohio Rev. Code § 4549.49)

Total: \$ 32,971.98

Plaintiff is also entitled to his attorney fees under 49 U.S.C. § 32710(b) and Ohio Rev. Code § 4549.49. To recover these fees, Plaintiff is **DIRECTED** to file a fee application within **TWENTY-ONE (21) DAYS** of this Order.

It is therefore ordered that **JUDGMENT** is entered against Defendants in the total amount of thirty-two thousand and nine hundred seventy-one dollars and ninety-eight cents (\$32,971.98) as outlined above.

IT IS SO ORDERED.

10/3/2022
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE